

Regular Session, 2010

HOUSE BILL NO. 207

BY REPRESENTATIVE BILLIOT

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 894.2(E), (F), (G), (H), (I), (J),
3 and (K) and to enact Code of Criminal Procedure Article 894.2(L), relative to home
4 incarceration; to require that written notice be given to local law enforcement when
5 an offender is sentenced to home incarceration; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 894.2(E), (F), (G), (H), (I), (J), and
8 (K) are hereby amended and reenacted and Code of Criminal Procedure Article 894.2(L) is
9 hereby enacted to read as follows:

10 Art. 894.2. Home incarceration; requirements

11 * * *

12 E. Within thirty days of issuing the order sentencing the defendant to home
13 incarceration, the court shall cause written notice to be sent by the clerk of court to
14 the sheriff of the parish or chief law enforcement officer of a municipality where the
15 defendant is sentenced to home incarceration. In cases where electronic monitoring
16 is a condition of the defendant's parole, notice may be sent by the provider of the
17 electronic monitoring device to the sheriff of the parish where the defendant is
18 sentenced to home incarceration.

19 E.F. The court may require the defendant to obtain employment and may
20 require the defendant to pay a reasonable supervision fee to the supervising agency
21 to defray the cost of his home incarceration supervision.

22 F.G. The court may, at any time during the period of home incarceration,
23 modify, change, or add to the conditions of such incarceration.

1 G.H. The sentence of home incarceration shall be for a period of not more
2 than four years in felony cases and for a period not to exceed six months in
3 misdemeanor cases.

4 H.I. If the defendant violates the conditions of home incarceration, the court,
5 on motion of the state or its own motion, may, after contradictory hearing modify the
6 sentence to impose a sentence of imprisonment.

7 I.J. In the event of revocation and sentence to imprisonment, the defendant
8 shall not receive credit for time served under home incarceration.

9 J.K. The provisions of this Article shall not be applicable to a defendant who
10 has been convicted of any second violation of any state or local driving-while-
11 intoxicated law committed within five years of the commission of any prior driving-
12 while-intoxicated violation until the defendant has first served a minimum of forty-
13 eight consecutive hours of imprisonment.

14 K.L. Paragraphs A and ~~G H~~ of this Article shall not apply to a defendant who
15 has been convicted of any third or subsequent violation of any state law or local
16 ordinance prohibiting driving while intoxicated committed within five years of the
17 commission of any prior ~~driving while intoxicated~~ driving-while-intoxicated
18 violation. Such defendants shall be subject to home incarceration as provided for in
19 R.S. 14:98.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____